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Attorneys for Plaintiff DONALD MASTERS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DONALD MASTERS,

Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION,  
BOSTON SCIENTIFIC CORPORATION  
2000 LONG TERM INCENTIVE PLAN, and  
DOES 1 through 50,

Defendants.

CASE NO. 5-07-03792 (JW)

**DECLARATION OF JAMES M.  
ROBINSON IN SUPPORT OF  
PLAINTIFF DONALD MASTERS'  
MOTION FOR LEAVE TO SERVE  
ADDITIONAL INTERROGATORIES**

Date: June 3, 2008  
Time: 10:00 a.m.  
Place: Courtroom 2, 5<sup>th</sup> Floor  
Judge: Magistrate Judge Howard R. Lloyd

I, James M. Robinson, declare:

1. I am an attorney duly admitted to practice before this Court. I am an associate at Shopoff & Cavallo LLP, attorneys of record for plaintiff Donald Masters. If called as a witness, I could and would competently testify to all facts within my personal knowledge except where stated upon information and belief.

2. On April 9, 2008, I wrote Boston Scientific Corporation's ("BSX") attorney, Tom Kuhnle, requesting that BSX agree to allow plaintiff Donald Masters ("Plaintiff") to serve additional interrogatories. Attached hereto as Exhibit A is a true and correct copy of that email.

3. On April 10, 2008, Mr. Kuhnle responded that he was willing to keep an open mind to allowing additional interrogatories, but wanted a better idea of what sort of interrogatories Plaintiff had in mind. Attached hereto as Exhibit B is a true and correct copy of that email.

4. On April 10, 2008, I responded to Mr. Kuhnle by attaching the rough draft of the interrogatories Plaintiff would like to serve on BSX. Attached hereto as Exhibit C is a true and correct copy of that email, without the attachment.

5. On April 13, 2008, Mr. Kuhnle responded that he was looking at the draft interrogatories, but needed to get client approval before giving an answer regarding my request to serve additional interrogatories. Attached hereto as Exhibit D is a true and correct copy of that email.

6. On April 16, 2008, I wrote to Mr. Kuhnle asking whether he had decided whether he was willing to stipulate to allowing Plaintiff to serve additional interrogatories. Attached hereto as Exhibit E is a true and correct copy of that email.

7. On April 17, 2008, Mr. Kuhnle wrote to me that he still had not heard back from his client on whether they would stipulate to the additional interrogatories. Attached hereto as Exhibit F is a true and correct copy of that email.

8. On April 18, 2008, Mr. Kuhnle wrote to me that he could not, at the present, agree to allow Plaintiff to serve additional interrogatories. Attached hereto as Exhibit G is a true and correct copy of that email.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on April 24, 2008 at San Francisco, California.

/s/  
James M. Robinson